UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,410	07/11/2002	Tzucng-Yau Lin	MTKP0001USA	7459

27765 7590 05/08/2007
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER
CHOI, MICHAEL P

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
05/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/064,410	LIN, TZUENG-YAU
	Examiner	Art Unit	
	Michael P. Choi	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) *17-19* is/are withdrawn from consideration.

5)☒ Claim(s) *1-6* is/are allowed.

6)☒ Claim(s) *7-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment to the specification overcomes the specification objections.

2.   Applicant's amendment to the drawings overcomes the drawing objections.

Claim Status

3.   Claims 7-16 are currently amended. Claims 17-19 are cancelled. Claims 1-6 are allowable.

Response to Arguments

4.   Applicant's arguments filed 4/16/07 have been fully considered but they are not persuasive.

The rejection of claims 7-16 under 35 U.S.C. 103(a) as being unpatentable over Lueck et al. (U.S. 6,721,710 B1) in view of Wang (U.S. 7,069,208) is maintained.

As per applicant's remarks on Page 11, applicant argues that the amended limitation of "locating a second frame which is downstream to the first frame, if a value in the totalizer is equal to or larger than a value in a main_data_begin field of the second frame, decoding the stream of frames starting from the second frame using both the first main_data field stored in the input buffer and a main_data field of the second frame." Is not specifically taught by Lueck et al. One example is decoding starting from the second frame and using both the data stored in the buffer and the main_data field of the second frame.

The Examiner respectfully disagrees with these statements.   Lueck et al. teaches if "totalAmountMainData" not being greater than or equal to main_data_begin of the initial frame, the method of jumping to the next header, representative of the beginning of the second frame. From there, computing an amount of main data field of the second frame [see Fig. 5], all the while occurring in the input buffer [Col. 4, lines 49,50].

Therefore the Examiner has carefully considered all the arguments and has determined that the arguments are not persuasive maintaining the rejection for claims 7-16.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lueck et al. (U.S.

Patent 6,721,710 B1) in view of Wang (U.S. Patent 7,069,208).

Regarding Claim 7, Lueck et al. teaches having sequential series [Col. 4, line 24] of MP3

formatted frames [Col. 5, line 37, see also Figs. 6 and 7], checking if the "main_data_begin" is less than

or equal to the "totalAmountMainData" (taken by Examiner to be "totalizer" since the

"totalAmountMainData" allows maintenance of a data packet length total), and updating the total amount

of main data by adding the "totalAmountMainData" with "mainDataThisFrame" (which stores the length of

the frame) [Fig. 5] and if "totalAmountMainData" not being greater than or equal to main_data_begin of

the initial frame, the method of jumping to the next header, representative of the beginning of the second

frame and computing an amount of main data field of the second frame [see Fig. 5] and decoding [in at

least Fig. 5] the compilation of main data fields [Fig. 5 – totalAmountMainData].

Lueck et al. teaches a chunk of data forwarded to a temporary buffer [Col. 4, lines 49,50] but

does not explicitly disclose that the main data is stored in the input buffer. Wang teaches "all main data is

resident in the input buffer when the header of the next frame is arriving in the input buffer" [Col. 5, lines

33-36]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Wang's main data stored in the input buffer with Lueck's data chunk's stored in a

temporary buffer because it was readily apparent in the art that the audio data chunk comprises main

data and the buffer and input buffer are synonymous.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to

alter the inventive steps of Lueck et al. by updating the total amount of main data if the main data begin

amount were more than the total amount of main data so as to start the process with the correct amount of main data after the main data was shifted [see Fig. 5].

Regarding claim 8, applicant further claims (*see claim 7*) the method of reading an error check field if the error check field is present in the frame and using the error check field to verify integrity of data within the frame. Lueck et al. teaches a CRC (cyclic redundancy check) to detect errors in the data stream [Col. 4, line 58]. The CRC is used to produce a checksum in order to check the integrity of and detect errors in data and is well known in the art.

Regarding Claim 9, applicant further claims (*see claim 7*) the input buffer comprising a memory accessible by the playback control. Lueck et al. teaches data streams moving into temporary buffer when operating in a normal playback mode [Col. 4, lines 17-19]. It is inherent that the input buffer comprises memory because the buffer is a temporary storage for information serving to control flow.

Regarding Claim 10, applicant further claims (*see claim 7*) the playback control selecting a parser. Lueck et al. teaches parsing the header [see Fig. 4]. A parser would be selected so as to decode the data stream; therefore it is inherent that any parser would be selected by a playback control for reproduction of decoded audio data.

Regarding Claim 11, applicant further claims (*see claim 7*) the totalizer initialized to zero. Lueck et al. teaches initializing the "totalAmountMainData"=0 [Col. 5, line 53; see also Fig. 5].

Regarding Claims 12, 13 and 16, applicant further claims (*see claim 7*) using a variable to indicate that a starting frame has been located and wherein the variable is of a Boolean type. Lueck et al. teaches the first word of a header is a syncword, a string of bits that identifies the "start" of a frame [Col. 1, lines 25,26], as known in the art that each bit signifies either a '1' or '0' and is variable, thereby showing a Boolean representation of a true or false, respectively.

Regarding Claims 14 and 15, applicant further claims (*see claim* 7) decoding audio data and header of a frame. Lueck et al. teaches decoding the audio data [Col. 4, line 43] and header [Col. 5, lines 44,45].

Claims 17, 18 and 19 have been cancelled.

Allowable Subject Matter

7.   Claims 1-6 still stand as allowable subject matter.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
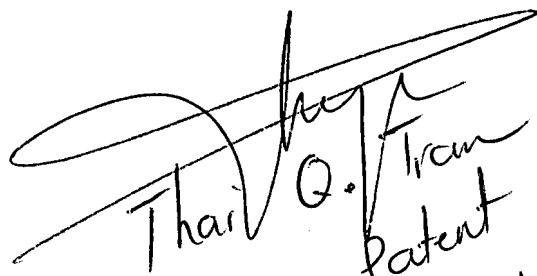
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 8:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

MC

Thai Q. Tran
Supervisory Patent Examiner
Technology Center 2600